

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
A. CYNTHIA LEON
STEVE H. STODGHILL

November 18, 2019

Via Email

Alice Valkova

79939-87896125@requests.muckrock.com

RE: Public Information Request for offense report related to the 2/15/2018 arrest of Sebastain Zapata (PIR # 19-3894)

Ms. Valkova:

The Department received your above-referenced request on September 9, 2019. Pursuant to the attorney general's ruling in Open Records Letter Ruling No. OR2019-32159, please find enclosed the information the Department located in response to your request. These records are provided to you at no cost.

The date of birth of any living person is excepted from required public disclosure under common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at *10 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.) The Department has received a previous determination from the Attorney General's office allowing us to redact the dates of birth of living individuals from the records we are providing to you without requesting a ruling. Open Records Letter Ruling 2015-27249; *see* Gov't Code§ 552.301(a); *see also* Open Records Decision No. 673 at 7 (2001).

We have redacted the social security number of one or more living individuals excepted from disclosure by section 552.147 of the Government Code, as section 552.147(b) authorizes a governmental body to redact this information without the necessity of requesting a decision from the attorney general.

The information you requested contains information that relates to:

- a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; or
- a motor vehicle title or registration issued by an agency of this state or another state or country; or
- a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

This information is confidential under section 552.130 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.130. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

If you have any questions regarding this request, please contact the Media and Communications at media@dps.texas.gov. Thank you.

Cordially,

Albert DiMarco

Albert DiMarco
Assistant General Counsel

\\hqogcs001\ORA\2019 requests\19-3894\19-3894 (19-11-18) letter to requestor

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
A. CYNTHIA LEON
STEVE H. STODGHILL

How to Appeal the Withholding of Information Without an AG Ruling Requested

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- (1) a signed, written statement indicating your wish to appeal the withholding of information;
- (2) the name of the governmental body that withheld information from you;
- (3) the date you made your original request for information; and
- (4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
PO Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.